



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores

Council Meeting

August 28, 2007

8:00 AM.-Pitts Center

Minutes

The Southern Shores Town Council met on August 28, 2007 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Carrie Gordin, Town clerk.

Mayor Smith called the meeting to order at 8:05 a.m., led the Pledge of Allegiance and held a moment of silence for the family of Mary Draper and for our men and women serving around the world.

APPROVAL OF AGENDA

Mayor Smith moved to approve the agenda as presented. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Hearing none Mayor Smith closed the public comment section of the agenda.

APPROVAL OF MINUTES-None

CONSENT AGENDA

Mayor pro tem Shields moved to compensate Police Chief Kole as the temporary interim town manager retroactive from August 14, 2007, two hundred dollars (\$200) a week until at which time an interim town manager is appointed by council. Council Member Hess seconded.

REPORTS - None

OLD BUSINESS-None

NEW BUSINESS-None

OTHER ITEMS

Manager

Mayor Smith stated that Chief Kole, acting town manager, submitted several issues for council to discuss in his absence. Those items are the Tidewater Fibre Contract (Renewal), Public Works Department and Employee Medical Benefits.

Mayor pro tem Shields suggested the Tidewater Fibre Contract be placed on the September 4, 2007 council agenda. Council agreed.

Mayor pro tem Shields stated that council had agreed to keep the Public Works Department as it is. He stated that would include having three people in the department. It had already been put in the budget that one of the public works staff would clean the town buildings and the outside cleaning contract would not be renewed. No council members objected.

Mayor Smith stated that reviewing and discussing some changes to the public works department to include possibly contracting some of the work out could be a retreat item since this year's budget has been set. No council members objected.

Council Member Hess stated discussion should be postponed until the new manager has looked at the over all program and make recommendations.

Mayor Smith stated that the town manager is waiting for additional information on the employee medical benefits and he will bring it back to council.

Mayor

Mayor Smith read the Resolution 2007-08-01 in support of the construction of the Herbert C. Bonner Bridge.

Mayor pro tem Shields moved to adopt Resolution 2007-08-01 as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

[Clerk's Note: A copy of Resolution 2007-08-01 is attached hereto as Exhibit A].

Mayor Smith asked Mike Hejduk to give an update on the canal dredging project.

Mike Hejduk stated that Environmental Professionals, Inc. (EPI) is the town's acting agent who is preparing and submitting the CAMA permit application for the dredging project. He stated the town has provided a number of documents to EPI in compiling the application. He read from a letter dated August 21, 2007 from EPI requesting that additional information be submitted. He stated that some items needed to come from the town attorney who has been away this week but that town staff has been working on some of the other items. He stated there are certain time constraints on the process such as getting the application submitted, reviewed and approved, letting the bid specifications, awarding the bid, meeting the allowable deadline for the actual dredging (November 15 - February 15) He stated the state agencies have 150 days to review the application. He presented a viable time line for council to review.

Mike Hejduk stated that a meeting was held with the spoil site property owners and some other interested citizens to discuss ways to move the project along. He stated that the town engineer is hiring a consultant to help with writing the bid specifications.

Mayor Smith asked if bids can be received if we don't have the permits. Mike Hejduk stated that a pre-bid conference could be held.

Mayor pro tem Shields stated there was previous discussion that the dredge depth could be lessened to five feet and could be done in a lesser amount of time. Mike Hejduk stated that the application has been submitted with a six foot depth. He stated that the permitting agency may make some recommendations. He stated the outer canal has to be dredged outside the moratorium of time. He stated that George Wood and Kendal Turnage of EPI along with John Cece, CAMA field representative, and himself toured the canals for submerged aquatic vegetation and found many of the bottoms covered with vegetation that raised some concern.

Council Member Hess asked is the vegetation milfoil. Mike Hejduk stated there are a number of vegetation that they are concerned about and that the canals have not been dredged for over forty years.

Mayor Smith asked what we need to do to get this application completed. Mike Hejduk stated according to the letter from the state the town needs to submit a letter that Mr. Davis is not requesting compensation for use of his property for spoils, seven people, out of four hundred, have not responded to our attempts to notify them of the project. It appears they want responses. He stated staff is working on that and the town attorney needs to write some letters.

Mayor Smith requested that council be updated on a regular basis and at this point a project manager is needed. He stated he is frustrated and the Hillcrest property owners are frustrated. He stated that upon review of past minutes a previous town manager (Classen) requested a project manager but council took no action at that time. He stated it is time to hire a project manager; the project needs to get done. He stated that George Wood suggested that he contact Senator Basnight to see how this can be moved along.

Mayor pro tem Shields stated that he was going to suggest hiring a project manager and he would ask that Quible (town engineer) hiring a project manager, working for them, since there is no one on staff able to allocate the time needed. He would suggest asking Webb Fuller to be the project manager. He stated that a letter of gratitude should be written to the Hillcrest property owners thanking them for their patience and agreeing to work with the town on this project.

Council Member Sanders supports Council Member Shields suggestions. He stated the legislators have made the funds available, last year and this year, and the town now has a place to put the spoils which was required before the permit application could be submitted.

Council Member Sanders stated council direct the town manager and Mike to ask Quible to hire someone for a project manager.

Council Member McDonald stated that council already approved the town manager to move ahead and get what is needed to get the project done.

Mayor Smith read a portion from the June 24, 2005, council minutes regarding a request from the town manager to hire a project manager as a part time paid employee. He stated later on July 5, 2005 the town manager again requested the hiring of a project manager and no action was taken.

Mike Hejduk stated that EPI is committed to the town through the submission of the permit application. He stated EPI prepared the soil and water analysis. He stated that he just recently received the soil sampling analysis and is not included in the application. He asked that council release the soil analysis report to the state.

He stated that several items need to be coordinated and issues need to be addressed like do we want the contractor to work 24-7 to get the job done as quickly as possible and how this is going to affect the property owners when the dredging actually begins.

Mayor Smith asked Mike to contact Quible and George Wood, EPI, to get recommendations for a project manager. He would like council to have a full update on the status of the project submitted by email as soon as possible.

Mayor Smith asked if Tom Bennett, SSCA president, would contact the five Hillcrest property owners as the town's liaison to give them an update on the project. Mr. Bennett stated that the Hillcrest property owners are feeling that council has not been committed in moving this project along. He stated, not to take this as a criticism, it appears that council has not given the attention needed on the complexity of this project.

Mr. Eck, one of the Hillcrest property owners stated that the lack of flow of information has been unbelievable. They have not heard anything from the town for months at a time and then they only hear the same things over. He wants to see some urgency from the town in getting the project done. He supports the hiring of a project manager.

Mayor Smith stated as speaking for the whole council all are frustrated and they do want to get this project going. He thinks updates are important and it should be in writing so it can be forwarded when someone asks. He thanked the Hillcrest property owners who are allowing the spoils to be placed on their property and assured them council is on board with the project and get it done.

Council Member Sanders stated that the decision for a canal dredging project has been going on for four years and in this last year the town has been able to proceed with a permit application. He stated that council is committed to this project.

Mike Hejduk stated there has been negative press regarding the use of the Chicahauk property as a spoil site and in his opinion it might be worth the consideration to officially withdraw that site as an option. He stated that the project manager not only be working on phase one of the project but would need to working on phase two simultaneously.

Council Member Hess stated that council did discuss that option but decided that until we see how the project is going in phase two that site would remain as an option.

Joe Walter asked, under the circumstances of having an interim town manager who is at school, who is in charge of town hall and has the contractual authority to move ahead.

Council Member Hess stated that the town manager can assign someone to a project and Mike Hejduk has been assigned to work on this project. She stated that spending of funds is under the town manager's authority and Mike would report to him.

Council Member Sanders stated that council has given Mike Hejduk the authority to move ahead and any monetary obligation that may be needed would be overseen by the acting town manager. He stated that it is unfortunate that the town is without a town manager but that council is moving ahead with seeking the hiring of a town manager.

Mr. Eck asked if things are going to stay on track or go into limbo again before a project manager is hired. He stated that his patience is wearing thin. He stated the property owner's are tying up their properties for several years by committing to this project. He thanked Mike Hejduk for presenting a time line that made sense.

Mike Hejduk stated that he has many other duties (projects like the Cove Subdivision) to take care of and he would do his best to keep the project moving until a project manager is hired.

Council Members

Council Member McDonald thanked the Hillcrest property owners for their patience. He stated that council has discussed the dredging project over and over. He stated that council directed two town managers that the number one priority is getting the dredge project done. He stated that Webb Fuller did a great job while he was here in moving the project along.

Council Member Sanders stated that the Hillcrest property owners stepped up to the plate when the town asked for help over the past four years and he asked them to stick with the town to get the project done.

Council Member Hess stated that the main channel and the channels off of Ginguite were dredged back in 1988 and took three years at a cost of \$50,000-60,000. She stated looking at the scope of this project we should know it will take awhile. She has been frustrated also and thanked them for their commitment.

Mayor pro tem Shields also thanked the Hillcrest property owners for their resolve on this effort. He addressed his concern regarding a sponsored bike run for September 8 through Southern Shores and suggested that the police department contact a representative from the group to make arrangements for their safety. He stated that he observed a group of bicyclist on Ginguite and S. Dogwood on Saturday and it didn't appear they were obeying stop signs etc.

Kevin Stroud, a town resident, spoke up and said the fund raising bike ride is an annual event and there have been no problems in the past. He stated the route through Southern Shores is on NC 12 only.

Mayor pro tem Shields announced that Karen Costello, administrative assistant, is leaving and that he would suggest that position not be considered to be filled until the new town manager is hired and let him decide how to reorganize staff.

He also would like council to consider the hiring of a structural engineer to inspect the town's building and provide a report sometime in the near future.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Tom Welch, 17 Skyline Road, addressed council regarding the scheduled public hearing to be held on September 4 on the proposed ordinance for a zoning change (Government and Institutional, G&I) on Skyline Road asked that staff provide facts and provide a map on this proposal. He would ask that it be stated that 37,000 sq. ft. of zoned RS-1 property would be changed to the G & I zone and to show the street (Michael Alan) that is to be rezoned. Mr. Welch provided council with a copy of a map of the proposed zone.

Tom Bennett, SSCA president, thanked council for their efforts on the dredging project and that a project is going to be hired. He thanked Mike Hejduk for all that he is doing on this project as well. He stated that at the dredging meeting held in Washington, NC with the various agency representatives expressed some of the negative concerns they received from the Chicahauk residents. He felt some of those concerns were lessened but that council should be aware that as long as this site is on the table there may be negative comments.


Don Bierwerth, 249 Sea Oats Trail, stated that he was the 1984 SSCA president and in 1985 he was elected to town council for two terms. He stated that he has been pursuing answers regarding the allowable occupancy and parking requirements for the Pitts Center for over seven years. Mr. Bierwerth provided council with documents, that they may have received previously, dated January 18, 2007 regarding his concern about the status of the Pitts Center. He stated that he has written letters and talked to previous councils and town managers regarding these issues. He stated the occupancy does not meet the state building code and at some council meetings many cars on parked out on the road. He is concerned about the general public safety. He stated that he feels certain individuals have hidden information but it is in the hands of the state now. He stated that he has filed a civil suit against the Building Inspector. He stated that he isn't proud of doing this but he is still waiting for an answer.

[A copy of the documents submitted to council are on file with the town clerk].


Hearing no other comments Mayor Smith closed the public comment section of the agenda.

Mayor pro tem Shields moved to adjourn the meeting at 9:45 a.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.


ATTEST



Don Smith, Mayor



Respectfully submitted:



Carrie Gordin, Town Clerk

Resolution urging the North Carolina Department of Transportation and the U.S. Fish and Wildlife Division, U.S. Department of the Interior, to replace the aging Herbert C. Bonner Bridge over Oregon Inlet with a parallel bridge immediately

WHEREAS, the Herbert C. Bonner Bridge spanning Oregon Inlet is a critical transportation link to and from Hatteras Island; and,

WHEREAS, the bridge is of vital importance to the quality of life of the residents of Hatteras Island and Dare County; and

WHEREAS, the related issues of public safety, business and commerce, and tourism must be included when considering the importance of a safe and secure structure across Oregon Inlet; and

WHEREAS, one of the primary reasons visitors come to the Outer Banks are our natural, cultural, and historic resources; and

WHEREAS, south of Oregon Inlet is located the Pea Island National Wildlife Refuge which is a popular migratory pathway for more than 400 species of birds; the majority of the Cape Hatteras National Seashore – our nation's first national seashore; the Cape Hatteras Lighthouse; the Chicamacomico Lifesaving Station; the Bodie Island Lighthouse; and miles and miles of America's greatest public beaches; and

WHEREAS, more than five million people visit Dare County's Outer Banks each year, annually generating in excess of \$620 million in direct tourism expenditures; and

WHEREAS, 26% of Dare County's tourism related revenues are generated by Hatteras Island visitors, including a majority of the Northern Dare Beaches visitors who, during their stay on the Outer Banks, make a day trip to Hatteras and Ocracoke Islands, via the bridge over Oregon Inlet; and

WHEREAS, the Herbert C. Bonner Bridge has been recently inspected by the North Carolina Department of Transportation and given a Structural Sufficiency Rating of two out of 100 points; and

WHEREAS, the Herbert C. Bonner Bridge has reached the end of its reasonable service life and the North Carolina Department of Transportation has presented two alternative plans to replace the bridge; and

WHEREAS, the Southern Shores Town Council deplores the loss of life caused by the recent collapse of the Interstate 35W Bridge in Minneapolis, Minnesota and has the greatest sympathy for all affected by this tragic event; and

WHEREAS, it is incumbent on all levels of government to protect human safety; and

WHEREAS, continuing to delay construction of the replacement to the Bonner Bridge places public safety, business and commerce, and tourism in our area at potential risk; and

WHEREAS, the Town of Southern Shores has gone on record in support of construction of a bridge parallel to the existing Herbert C. Bonner Bridge and the preservation of the terminal rock groin on the southside of Oregon Inlet and continued fortification of the groin as the chief stabilizing defense of the northernmost end of Hatteras Island;

NOW THEREFORE BE IT RESOLVED, that the Southern Shores Town Council urges the North Carolina Department of Transportation, the U.S. Fish and Wildlife Service, and all other involved entities to immediately begin construction on a bridge parallel to the existing Herbert C. Bonner Bridge, maintain the navigational channel through Oregon Inlet, and provide no less than equal access to the entirety of Hatteras Island also known as Pea Island.

Adopted this 28th day of August 2007

SEAL

Donel C. Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk